

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONALD C. BACHMAN,

Plaintiff,

No. CIV S-03-1735 LKK PAN (JFM) P

vs.

S. KUHN, et al.,

Defendants.

ORDER

On August 14, 2006, plaintiff filed a request for extension of time in which to file his application to proceed in forma pauperis, together with a request for the appointment of counsel. By court order filed August 29, 2006, this court granted plaintiff's application to proceed in forma pauperis. Accordingly, plaintiff's August 14, 2006, request for an extension of time is moot and will be denied.

The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In

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1 the present case, the court does not find the required exceptional circumstances. Plaintiff's
2 request for the appointment of counsel will therefore be denied.

3 Accordingly, IT IS HEREBY ORDERED that plaintiff's request for the
4 appointment of counsel, contained within his August 14, 2006, request for an extension of time,
5 is denied.

6 DATED: September 28, 2006.

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9 UNITED STATES MAGISTRATE JUDGE

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